

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE  
NO. 02-466, JUDGE JOHN RENKE, III

SC03-1846

AFFIDAVIT OF JOHN RENKE II

STATE OF FLORIDA  
COUNTY OF PASCO

Before me, the undersigned Notary Public, personally appeared John Renke II and he deposes and states as follows:

1. My name is John Renke II and I make this Affidavit based on my personal knowledge and I am competent to testify to the following facts.
2. On Palm Sunday, March 20, 2005, I went along with Margaret Renke at the designated time of 9:00 a.m. to the location of the court reporter's office contained in the subpoena dated March 8, 2005. No one else appeared at the designated time and place. The trailer which formerly housed the court reporter's office at that location was no longer there on March 20, 2005. No one indicated that I should not appear pursuant to the subpoena and no one, including Mr. Green, Mr. MacDonald or Mr. Barkin, ever contacted me to tell me not to appear pursuant to the subpoena.
3. Scott Tozian has not been employed as attorney for John Renke II at any time.
4. I never saw or received the letters attached as Exhibits to the Motion to Enforce Subpoena. Moreover, no one ever orally told me about the content of those letters until I received the Motion to Enforce Subpoena.
5. On at least two occasions, I have personally met with Mr. Green and told him that I would voluntarily allow him to come to my office to review thousands of documents that had been assembled in response to the subpoena. These occasions were on March 1, 2005 at my deposition and again on April 6, 2005 at the deposition of Tom Gurran. In fact, Mr. Green came to my office on March 21, 2005 and reviewed documents. At the deposition of Tom Gurran on April 6, 2005, Green told me that he would get in contact with me or my office to continue reviewing the thousands of documents.
6. A copy of a letter sent to Green from Scott Tozian attached as Exhibit A to my Response to Motion to Enforce Subpoena was received by me and clearly, in writing, tells Mr. Green to contact me directly in order to continue review of the documents.

7. At no time did Mr. Green, Barkin, or MacDonald contact me to arrange for continued review of the documents.

8. At no time prior to filing their Motion to Enforce Subpoena Duces Tecum did Mr. Green, Barkin or MacDonald contact John Renke II regarding document production or any alleged refusal to produce documents.

9. At no time did John Renke II communicate a refusal to produce documents and all documents produced have been produced without being compelled by a valid subpoena duces tecum for document production. (i.e., John Renke II appeared for deposition and no one else appeared. Thus, that subpoena was complied with and no additional subpoena was issued. The production on March 21, 2005 was totally voluntary and not pursuant to any subpoena.)

10. At every meeting between Mr. Green and John Renke II, a concern for privileged and confidential client files was raised. The files and documents sought in the subpoena include private, sensitive, confidential and privileged records of personal injury clients which have no relevance to any issue in this cause. John Renke II, on every occasion, told Mr. Green of the privileged material and Green always assured John Renke II that he felt there would be no problem regarding getting agreement on a protective order concerning that obviously privileged material.

11. At no time did Michael Green or anyone else, including Scott Tozian, bother to contact or inform John Renke II of the content of the letters attached as exhibits to the motion. The charges which are the subject of this cause are not against John Renke II. The argument set forth in the dated letters by Mr. Green and attached to the Motion to Enforce Subpoena, that a privilege is waived when there is a dispute between a client and his attorney, does not apply to a witness such as John Renke II. If and when a proper subpoena is served on John Renke II for said privileged medical and employment files of personal injury clients, a protective order will be sought. However, there was never a refusal to provide documents pursuant to a valid subpoena

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John Renke II

SWORN TO and SUBSCRIBED before me by John Renke this \_\_\_\_ day of May, 2005. John Renke is personally known to me.

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Notary Public